

MINUTES OF THE MEETING
OF THE
CITY PLAN COMMISSION

TUESDAY, October 7, 2014

The City Plan Commission held its regular meeting on Tuesday, October 7, 2014 in the Council Chambers on the 26th Floor of City Hall. The following members were:

PRESENT

Ms. Babette Macy	Chairwoman
Mr. Jeff Krum	Vice Chair
Rev. Stan Archie	Member
Ms. Bobbi Baker-Hughes	Member
Mr. Enrique Gutierrez	Member
Ms. Margaret J. May	Member
Ms. Trish Martin	Member
Mr. Tim Van Zandt	Member

ABSENT

None

ALSO PRESENT

Ms. Diane Binckley	Staff
Mr. Joseph Rexwinkle	Staff
Mr. John Eckardt	Staff
Ms. Ashley Winchell	Staff
Mr. Olofu Agbaji	Staff
Ms. Marty Campbell	Recording Secretary
Ms. Maggie Moran	Legal Counsel
Mr. Wei Sun	Public Works
Mr. Bret Cox	Land Development

Chairwoman Macy called the meeting to order at 9:19 A.M.

RE: Case No. 12350-P-8

OWNER/APPLICANT: Alan Hoambrecker
Hoambrecker Properties, LLC
14523 NW 74th St
Parkville, MO 64152

AGENT: Rick Kuhl
HSKF Architects
110 Armour Rd
North Kansas City, MO 64116

LOCATION: Generally located at the southwest corner of NE 81st St and N Brighton Ave.

REQUEST: To consider approval of a Chapter 80 Final Plan to allow construction of an 8,770 square foot convenience store with gasoline and fuel sales and car wash.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that staff was requesting a continuance to the October 21, 2014 meeting date without fee.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition to this matter.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion that **Case No. 12350-P-8 be CONTINUED** to the October 21, 2014 meeting date without fee (No Testimony – No Set Quorum).

Motion carried 8-0

VOTING AYE: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt and Macy

VOTING NAY: None

ABSENT: None

RE: Case No. 1650-V

APPLICANT: Jesus Name Pentecostal Church
5225 N Brighton Avenue
Kansas City, MO 64119

CONTACT: Robb A. Denney

Withers, Brant, Igoe & Mullennix, PC
2 S Main Street
Liberty, MO 64068

LOCATION: An unbuilt portion of NE 53rd Street between NE Vivion Road to the south, NE 54th Street to the north, N Denver Avenue to the east and N Brighton Avenue to the west

REQUEST: to vacate NE 53rd Street from N Brighton Avenue to N Denver Avenue

Ms. Ashley Winchell, Staff Planner, presented the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Chairwoman Macy asked to hear from the applicant.

Mr. Rob Denny on behalf of the Jesus Name Pentecostal Church and with him was the corporate secretary and administrator for the Church and the Senior Pastor, Mr. and Mrs. Gates.

Mr. Denny stated he really have anything to add just would reiterate that the church currently owned all of the property close to the vacation area.

Chairwoman Macy asked if he was comfortable with the two recommendations in the staff report.

Mr. Denny responded yes.

Chairwoman Macy opened up the discussion to the public.

No one was there in opposition.

Commissioner Archie moved and Commissioner Martin seconded the motion to **APPROVE Case No. 1650-V SUBJECT TO THE FOLLOWING CONDITIONS:**

1. That a full-width utility easement be retained.
2. That any existing facilities within the right of way be protected.

Motion carried 8-0

VOTING AYE: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt and Macy

VOTING NAY: None

ABSENT: None

RE: a) Case No. 9132-SU-11
b) Case No. 12429-SU-1

APPLICANT/ AGENT: Donald G. Miller
DGM & Associates, P.C.
1307 S. Prospect Street
Kearney, MO 64060

PROPERTY OWNER: New Mark Care Properties, Inc.
11221 N. Nashua Drive
Kansas City, MO 64155

LOCATION: Generally located at the northeast and northwest corners of N. Nashua Drive and N. McGee Street.

AREA: a) 6.3 acres
b) 0.60 acres

REQUESTS: a) **Case No. 9132-SU-11 – 11221 N. Nashua Drive** - About 6.3 acres generally located at the northwest corner of N. Nashua Drive and N. McGee Street, to consider approval of a special use permit in District R-7.5 (Residential 7.5) to allow for 24,000 square foot building addition to the existing skilled nursing facility.

b) **Case No. 12429-SU-1 – 11121 N. Nashua Drive** - About 0.6 acres generally located at the northeast corner of N. Nashua Drive and N. McGee Street, to consider approval of a special use permit in District R-7.5 (Residential 7.5) to allow for off-site parking lot to serve the existing skilled nursing facility.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that staff was requesting a continuance off docket without fee.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition to this matter.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion that **Case No. 9132-SU-11 and Case No. 12429-SU-1 be CONTINUED OFF DOCKET** without fee (No Testimony – No Set Quorum).

Motion carried 8-0

VOTING AYE: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt and Macy

VOTING NAY: None

ABSENT: None

RE: a) **Case No. 10694-P-25**
b) **Case No. 14504-UR**

APPLICANT/ OWNER: Hunt Midwest Real Estate Development, Inc.
8300 NE Underground Drive
Kansas City, MO 64161

AGENT: James C. Bowers, Jr. c/o Elaine Bowers
White Goss
4510 Belleview, Ste. 300
Kansas City, MO 64111

LOCATION: Generally bounded by Missouri Highway 210 on the south, the city limits of Claycomo, Liberty and Birmingham on the north and east, and a line approximately 500.

AREA: a) 1,128 acres
b) 572 acres

REQUESTS: a) **Case No. 10694-P-25-** To consider a request to amend a previously approved Chapter 80 Preliminary Development plan in District M-2a-p/US (Heavy Industry - Limited District/Underground Space), to delete about 417 acres from the existing plan.

b) **Case No. 14504-UR -** To consider rezoning the 572 acre parcel from District R-80, (Residential dash 80), District R-80/ US, (Residential dash 80/ Underground Space) and District M1-5, (Manufacturing 1 dash 5/ Underground Space) to District UR/ US (Urban Redevelopment/ Underground Space).

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that staff was requesting a continuance to the October 21, 2014 meeting date without fee.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition to this matter.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion that **Case No. 12350-P-8** be **CONTINUED** to the October 21, 2014 meeting date without fee (No Testimony – No Set Quorum).

Motion carried 8-0

VOTING AYE: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt and Macy
VOTING NAY: None
ABSENT: None

- RE:** Case No. 14275-P-1
- APPLICANT:** City Planning and Development Department
15th Floor, City Hall
414 E. 12th Street
Kansas City, MO 64106
- OWNER:** Kansas City Life Insurance Co.
3520 Broadway
Kansas City, MO 64111
- LOCATION:** Generally located on the west side of Pennsylvania, approximately 255 feet south of W. 35th Street.
- AREA:** Approximately 0.12 acres
- REQUESTS:** To consider a request to rezone the 0.12 acre tract of land, from District R-6 (Residential dash 6) to District R-5 (Residential dash 5).

Mr. Olofu Agbaji, Staff Planner, presented the staff report and stated that staff recommended approval subject to the reasons presented in the staff report.

Chairwoman Macy asked if he was able to go back to the neighborhood and explain why this case was coming before the Commission.

Mr. Agbaji answered yes; he talked to Mr. Martin who was representative of Ballentine Neighborhood and explained it to him and sent him all of the documentation and asked him straight if he had intended to include it, but he was okay with it.

Chairwoman Macy asked how you figured it out that it was an issue.

Mr. Agbaji stated it was a long process with the attorney for KC Life, Patricia Jensen, so it was a long continuous process; they went back and listened to the actual tapes from the down zoning; it took staff about 6 weeks and talking to Maggie Moran, attorney for the City, and there were different ways they could have done it but they figured that the rezoning back was probably a cleaner way to do it than going back and doing a text amendment to the Ordinance.

Chairwoman Macy asked him to put the map up again of the site of the down zoning that was done; then do the aerial shot.

Commissioner Van Zandt asked upon the discovery was there a project they wanted to do there; he guessed there was a reason why they were looking for or came upon the error.

Mr. Agbaji stated that they owned the vacant parcel next to the 10 parcels; so he thought when they were looking at it and when the piece of down zoning occurred they had 7 parcels within the neighborhood down zoned; but that was not included in the 7.

Commissioner Martin stated that in the report on the first page, it talked about the land use plan and Midtown Area Plaza Plan as being updated to designate the area for single family residential use would that be R-6. If they rezoned it back to R-5, as he understood it, R-5 allowed for duplexes and other types; did R-6 restrict it to single family.

Mr. Agbaji answered no; R-5 was more intense than R-6; R-5 allowed duplexes.

Ms. Binckley stated that in the R-6 they would be allowed to have the different type of building; they could have a town house in an R-5 and R-6 they could not have a town house; that was the difference. A duplex would still be allowed or a two-unit building in an R-6 if it was on a corner.

Chairwoman Macy opened up the discussion to the public.

Ms. Jacki Freeland, 3783 Washington, Vice President of Ballentine Neighborhood Association; while they didn't object to the zoning change they would like to point out that they were not told about it early in the process. With everything else that was going on with KC Life, there was a lot of neighborhood upset and concerned neighbors.

Chairwoman Macy asked her to elaborate on not being told about it in the process; wouldn't notice be given to the neighborhood association about this.

Ms. Freeland stated that when the people were notified that there was going to be a zoning change a lot of neighbors were upset because they thought everything had been done in 2012 and they didn't understand; there was a lot of conversation and a lot of explaining that had to go on. They felt that they had a really short time window to explain that to people who didn't understand before the hearing.

Chairwoman Macy asked what was the time frame; 15-days.

Ms. Freeland responded she wasn't aware of it until about one week ago; by the time it got through the email chain. They just wanted to be assured that they would receive plenty of notice for anything that pertains to their neighborhood.

Chairwoman Macy asked Mr. Agbaji to address her concerns.

Mr. Agbaji stated that notice went out 15 days before the hearing.

Chairwoman Macy stated that 15-days usually wasn't enough time to get the neighborhoods together; she was saying for future reference; the Ordinance only required 15-days' notice.

Mr. Agbaji stated that if it had been a different down zoning case they would have had a meeting with the neighborhood; it was just a correction; notice would be sent to the president of the homes association.

Commissioner Archie moved and Commissioner May seconded the motion **Case No. 14275-P-1** be **APPROVED** without conditions.

Motion carried 8-0

VOTING AYE: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt and
Macy
VOTING NAY: None
ABSENT: None

RE: Case No. 6720-MPD-17

OWNER: McBannister Associates, Ltd.
15910 Venture Blvd, Suite 1019
Encino, CA 91436

APPLICANT: Russ Colvin
5615 E Bannister, LLC
1431 St Andrew Place
Santa Ana, CA 92705

AGENT: Mark S. Bryant
White Goss
4510 Belleview Ave, Suite 300
Kansas City, MO 64111

LOCATION: Generally located at the southwest corner of Hillcrest Rd and E
Bannister Rd.

REQUEST: To consider approval of a rezoning from District UR (Urban
Redevelopment) to District MPD (Master Planned Development)
and approval of a preliminary development plan acting as a
preliminary plat for 159,000 square feet of retail, restaurant and
storage uses.

Mr. Joseph Rexwinkle, Staff Planner, presented the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Chairwoman Macy said that given the fact that Cerner's campus was going to be going across the street, was this type of use anticipated.

Mr. Rexwinkle stated that the applicant had noted that the storage facility would be used by contractors and eventually for Cerner; he did believe that the use was an appropriate use at this time.

Commissioner Krum stated that the two parcels on the corner they were not included in the proposed rezoning the one to the west he indicated was an existing gas station; was that part of the overall parcel; a separate parcel with separate ownership.

Mr. Rexwinkle answered no it was not and that was correct.

Commissioner Krum and it would remain zoned UR.

Mr. Rexwinkle stated yes.

Commissioner Krum added and the parcel to the east, the same story; that was an undeveloped parcel that was separate with separate ownership.

Mr. Rexwinkle stated that was correct; they had taken care that the applicant design the site that those two parcels could be accessed internally from the site at some point should they redevelop.

Chairwoman Macy asked him to go back to the plan that had the landscape rendering; so were they doing landscaping on the top of the retaining wall or just shaded it green.

Mr. Rexwinkle stated he didn't think that was accurate, really; there might be a small strip of landscaping at the base or on top of it.

Chairwoman Macy asked and they didn't show any landscape buffer on the south side either.

Mr. Rexwinkle stated right.

Chairwoman Macy stated it sounded like they needed to revise the plan.

Mr. Rexwinkle stated he thought that their intent was to comply with the landscaping requirements; he thought there was just a lot of changes that needed to be made of the internal layout of the parking lot and it was difficult to know because of those changes if they were made; the landscape plan might change quite a bit in the parking lot; but it was a condition.

Chairwoman Macy asked if they were to agree with his statement about moving the restaurants up closer to Bannister Road did they need to make a new condition for that?

Mr. Rexwinkle answered that was Condition #1(i) and #1(j) were related conditions that hit that issue.

Commissioner Archie stated that behind the buildings, it looked like there was a buffer of woods?

Mr. Rexwinkle answered that was the Land Bank property.

Commissioner Archie asked if that property would be touched.

Mr. Rexwinkle answered that it wasn't included in the plan area and the applicant had inquired about potentially obtaining the property but it hadn't proceeded beyond that; at this time, they didn't know that would happen. If it were included, they would probably be compliant with the landscaping requirements because that buffer would be part of the property then.

Chairwoman Macy asked to hear from the applicant.

Mr. Mark Bryant, White Goss, 4510 Belleview, Kansas City Missouri and represented the applicant 5615 E. Bannister, LLC; with him was Bruce Jordan, Jordan Architects that did big-box facility conversions to storage all across the United States and had won numerous awards.

The Commission's questions had been to the Conditions of staff on their recommendations of approval; he would like to give Mr. Jordan an opportunity to address the conditions that were part of the staff's presentation.

Mr. Bruce Jordan representing the owners and generally agreed with the staff report and conditions; however, he would like to clarify a couple of items. Item (j) which indicated to provide a parking immediately north of the proposed retail use or shift the retail use to the west of the main building. They didn't want to shift the retail because it took placement to attract a retailer; they were talking to various retailers; it looked like the area immediately west of what they had identified as retail was a potential space for expansion area with parking and should solve the parking issues. In the plan, the required number of parking's spaces and what they had exceeded the required number; right now the city Code required 309 spaces and they had 479 so they had an over-park situation.

Also he wanted to clarify Condition #1(n) which spoke to the issue of the setback; on their plan they had not shown setbacks; he discussed it with the ownership and they were proceeding with an offer to the KC Land Bank so that was their intent was to acquire that property which would negate the need for a condition; if they were not accepted for that property, they would comply with the condition, with the setbacks and landscaping between the two properties. Because they were moving in that direction, they were fine with that condition that covered both situations.

Commissioner Krum stated that if ownership was able to acquire that property from Land Bank it would be left in its current state.

Mr. Jordan stated it would largely be used to facilitate drainage improvements but would largely be left as it was; they would not be putting parking or additional buildings on it. He would also like to clarify that Cube Smart was national and they did very upscale projects that they were proposing there which hadn't been done in the fine city of Kansas City; they were doing a state-of-the-art computer control access; the facility would close at night; it was safe, secure and had a lot of TV cameras and a lot of security; the office would be very upscale and very much commensurate of retail. They thought it was a very good mix of uses.

Commissioner Krum said in following up on the point regarding their identified tenant for the storage; could he elaborate on the nature of that storage.

Mr. Jordan stated that the storage facility would be managed by Cube Smart; the typical customer there would be businesses, household users, potential government users, etc. most all of the storage within the enclosed area of the building internally; it was largely one story.

Commissioner Krum asked if it was a comparable facility with multiple sizes, storage rooms all accessed internal corridors.

Mr. Jordan stated with the exception of the new proposed buildings on the west and south made up of the existing building; all of the internal area of the old K-Mart was internally accessed so there would be no doors visible to the outsider from Bannister Road. There would be space sizes from 5 x 5 up to 12 x 30; varying numbers of them.

Commissioner Krum asked if there was a 12 x 30 space with only internal access could you drive vehicles up to the doors.

Mr. Jordan stated that the larger units 12 x 30 were accessed by roll up door from the outside; they were the exception. The smaller spaces, the 10 x 10, the 5 x 10 were accessed from various points outside of the building, where you pulled into the loading area and got a push cart and go down a 5 foot wide hallway to the storage unit. The main point he would like to make was that the front had been designed for retail architecturally speaking so there would be no roll up doors to open facing Bannister Road and the Cerner Development; they were all screened for that.

Commissioner Krum asked about the parking; and said he mentioned that they may redesign the plan to eliminate the expansion of the retail that was shown presently on the east side to provide more parking. Given the nature of the storage facility, what was the purpose of having that large sea of parking immediately in front of the storage facility which would seem to have a very low need for such parking?

Mr. Jordan stated it is indicative of the layout of the site the way it was. The site now did not have any landscaping; so they were going to be creating landscaping of about 70,000 feet; the site was over parked and would remain over parked. It was just a function of the size of property and they did think at the end of the day and working with staff to satisfy them.

Commissioner Krum asked if needing more parking for the retail why they didn't just flip-flop the restaurants.

Mr. Jordan stated looking closely at the site plan, there was a considerable amount of easements that were dictating the place of the building. They were able to move it up closer to Bannister Road; but again depending on the retail would make the difference.

Commissioner Krum asked so the retail was intended to be a single tenant.

Mr. Jordan responded yes.

Commissioner Krum asked the size of the box.

Mr. Jordan answered about 4,000 sq. ft.

Commissioner Krum asked what sorts of tenants were they targeting.

Mr. Jordan stated anything from Office Max to potentially (inaudible) and they were talking to various ones.

Commissioner Krum stated and he indicated they wanted the retail on that side of the building for great visibility, would not the erection of a 7 foot retaining wall in front of the entirety of the retail compromise that visibility.

Mr. Jordan stated that the use of the frontage was that it was 14 feet higher than the finished elevation; but it was the most useable.

Chairwoman Macy stated she would echo her colleague's concerns about the parking; it seemed like it wasn't in the right place; most of their parking was in front of the Cube Smart which would not require that amount of parking and they were sensitive on the Commission on having a lot of pervious surfaces, she thought that was why he was getting some questions. The term "over parked" was what they were sensitive to and she felt like it wasn't appropriate. Could he point out where the easements were that were of concern as far as moving the buildings.

Mr. Jordan used the computer screen on the site plan to explain and answer; after showing their location he stated because of those and the two sizes of the restaurants the buildings couldn't be switched.

Chairwoman Macy asked about the utilities he mentioned.

Mr. Jordan stated there were various; then he pointed out the area that he was talking about for the additional parking and if they were to switch and push it up closer to Bannister Road then they would be parking in the area there. He stated they would solve the parking problem without any difficulties.

Commissioner Krum asked if he was suggesting that he pushed the larger restaurant building farther to the north and then he would also move the retaining wall farther to the north.

Mr. Jordan stated they were going to reduce that retaining wall as much as possible; if they moved it toward Bannister Road it got a little higher; as the distance from the rear of the restaurant got greater between now the retail building, it would be able to eat up more of the elevation change with slopes and they were going to try and reduce that retaining wall.

Chairwoman Macy opened up the discussion to the public.

Ms. Carol McClure, 6103 E. 109th Street; Co-Chairman of the Southern Communities Coalition; first she would like to state that they did not receive an official notice of the hearing today; they did hear from both Mr. Rexwinkle and attorney, Mark Bryant that the case was going to be heard today. They were there today to ask for a continuance due to a lot of miscommunications that took place since June and from Mr. Bryant and her. Even though she did attend a couple of other meetings in the area, there had never been a formal hearing on the development before the community. She explained to him that the coalition did not meet in the summer; but they could try to call a special meeting if a location became available. After discussing that with him, an opportunity did present itself that they could hold a special meeting on June 19th at 6 p.m. He called me back and said he would not be able to meet because the client had gone back to California. Mr. Bryant then agreed to wait until their September 17th meeting stating there was still time. On Tuesday, September 10th a newsletter was mailed to his office stating time and place; she did not hear from him and assumed he had gotten their notice. Over 65 community people attended that meeting and were disappointed when he was a no show. She thought if he would not have heard from them early he would have called to see if they were still on for the 17th. When she returned home, she did have a phone call from Mr. Bryant stating they were unable to locate them and thought the meeting had been rescheduled. The next day she returned his call and explained that a newsletter had been mailed to his office. They did know that Mr. Bryant had attended another meeting in the area, it was a free meeting and that was on Monday, September 8th; and an announcement was made at that meeting stating that the coalition's meeting would be held on Wednesday on September 17th at Baptiste Educational Center at 7 p.m. where those people at that meeting could come to that presentation and get the complete proposal as to what was being presented. On September 22nd Mr. Bryant had called and said that the newsletter had been found in the files. Because he did not attend the meeting, he agreed to send letters to those attending. They did know that not everyone received that letter. They also set up a telephone conference to answer questions; this was not successful; not very many people responded to a telephone conference. That was not how they met with developers; they would like them to come to the community on Wednesday, October 15th and still be able to come back and go before the CPC on October 21st. That site was a big part of the revitalization taking place in south Kansas City; it was important to them. They hoped they could see that a continuance was warranted in order for the community to have all the facts in order to make a decision on that development.

Ms. Theresa Eden, 4425 E. 107th Terrace; she was going to concur in the request for a continuance. She had been attending the Southern Communities Coalition for 20 years because of the information that was provided there and also because developers routinely came there to present their plans and to hear questions from the community. She did receive a letter from Mr. Bryant and a couple of drawings with a brief description of what the plan was and he didn't tell her any more than what she had already heard through rumors. She did have quite a few questions answered today; but she thought it only fair that their community heard from him also and had an opportunity to ask questions. In speaking with one of the ladies who was on the conference she said that she was the only one that was on and did answer several of her questions but there were several that he was unable to answer and provided her the number in California for her to call in order to get those questions answered. That was just not the way they were used to having developers present to them; again she would appreciate it if they would grant this

continuance so the community could hear about this. Not that they were necessarily opposed to the project itself; but there was a lot of questions they would like to have answered.

Chairwoman Macy asked Mr. Bryant's position on the continuance until the 21st so he could meet with the neighborhood.

Mr. Bryant responded they would appreciate if the Commission would recommend the adoption of the proposal. As Ms. McClure had indicated, they had made numerous efforts to meet over the course of the summer; that largely because the developer and architect resided in California they were not able to be brought together and a large part of that was that the coalition didn't meet over the course of the summer. The misunderstanding that occurred on September 17th; they scheduled two telephone conferences with bridge so each member that was interested in the proposal would have an opportunity to hear and interact just as if it were a public hearing. That was not only scheduled on Wednesday at the same time the coalition met, but a second meeting was scheduled two days later at Noon so that anyone that had any interest in the proposal would have an opportunity to comment upon the plan, to interact with the developer and the architect and to make whatever comments they had. They knew there still would be a public hearing and an opportunity for the coalition to comment and interact with the developer. The record should reflect that there had been an opportunity for the coalition to participate; not once but twice. There had been greater opportunity than had the meeting on the 17th if it had occurred; it was replaced with two meetings. Because the developer had already purchased the land, because it was not contingent on zoning approval, because they were out in California waiting the approval of the plan, they would appreciate the opportunity to move forward. The plan was consistent with the area land use plan; it was consistent with the staff recommendation and the neighborhood had ample opportunity to comment; the fact that no one did was a reflection on the fact that there was very little controversy about the proposal. It was in an area of town that was now enjoying surges but had been plagued with big box stores that had sat vacant for years. And now there was a developer that had come forward with a proposal for a store that would be very difficult to reuse.

Mr. Bryant stated in addition to the telephone conferences, they met with the South Kansas City Alliance twice; first with their Board of Directors and then a second time when they suggested that not everyone on their Board or not everyone who was a member of the alliance had participated, they met a second time.

Commissioner Krum stated he would support a continuance not only because he thought it was an important project of 12 acres and a pivotal site and he thought it was important that the neighborhood had an opportunity to be fully informed and to weigh in; but at least as importantly, even though he understood that it was a preliminary site plan, it seemed to him there were way too many moving pieces. Personally, he would like to have some of those moving pieces anchored before he was comfortable advancing the proposal; they didn't know if they were expanding the retail to the east; they didn't know where the restaurant was going to go, where the retaining wall was going to go; to him those things needed to be much more fully flushed out again, before personally he was comfortable in advancing this.

Commissioner Archie stated understanding everything that they said and all the efforts made, there was still a bottom line of what they were doing, whether it was from California or anywhere else; they were doing it in their community. If he was buying a car and missed the salesman and then he called on the phone and let's have a discussion; no, it was too important to just settle it with a phone conversation. He did think they had to work around communities and neighborhoods in a way that fit their cultural design and accommodating for them in that particular case and all they were asking for was 2 weeks; which he thought it much more convenient that some requests that had come across when they were in a similar situation. He hadn't heard anything that would compromise moving forward because two weeks were given to the people who would have to live with whatever they came up with.

Mr. Bryant stated they would agree with the 2-week continuance and look forward to their next meeting.

Chairwoman Macy stated that to reiterate what had been discussed, they were continuing the meeting to the 21st; however if the plans weren't revised and to Joe by Friday they would announce it at the public meeting on the 15th that it would be continued to the November 4th meeting.

Commissioner Archie moved and Commissioner Martinez seconded the motion that **Case No. 6720-MPD-17 be CONTINUED** without fee to the October 21, 2014 meeting date (**With Testimony – Quorum Set: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt, and Macy**)

Motion carried 8-0

VOTING AYE: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt and Macy
VOTING NAY: None
ABSENT: None

RE: a) **Case No. 686-S-1**
b) **Case No. 14506-MPD**

APPLICANT: A.G. Spanos Companies
8005 West 110TH Street #210
Overland Park, KS 66210

PROPERTY OWNER: Margaret E. Jenkins, et al
7955 N. Childress
Parkville, MO 64152

REPRESENTATIVE: Patricia R. Jensen, Esq. c/o Elaine Bowers
White Goss
4510 Belleview, Ste. 300
Kansas City, MO 64111

AREA/LOCATION: About 32 acres generally located at the southeast corner of NW 64th Street and N. Klamm Road

REQUEST: **a) Case No. 686-S-1--** Amending the Line Creek Valley Area Plan for an area generally located at the southeast corner of NW 64th Street and N. Klamm Road by changing the recommended land use on the Future Land Use Map in its entirety at this location from “Office” to “Residential Medium High” and further adding this category to the map.

b) Case No. 14506-MPD -- to consider rezoning from District R-80 (Residential dash 80) to District MPD (Master Planned Development) and approval of a development plan that serves as a Preliminary Plat for 7 apartment buildings and clubhouse with a total of 291 dwelling units on one lot.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that staff was requesting a continuance to the October 21, 2014 meeting date without fee.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition to this matter.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion that **Case No. 686-S-1 and Case No. 14506-MPD** be **CONTINUED** to the October 21, 2014 meeting date without fee (No Testimony – No Set Quorum).

Motion carried 8-0

VOTING AYE: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt and Macy

VOTING NAY: None

ABSENT: None

RE: **a) Case No. 14505-P**
b) SD 1492, Preliminary Plat, Providence Point – Phase 1 and Phase 2

APPLICANT: Tim Harris, Star Development Corp.
244 W Mill Street, Suite 101
Liberty, MO 64068

AGENT: Art Akin, P.E.
AGC Engineers, Inc.
405 S Leonard St., Ste D
Liberty, MO 64068

OWNER: Catholic Diocese of Kansas City – St. Joseph
20 West 9th Street
Kansas City, MO 64105

LOCATION: Generally located at the northwest corner NE 108th Street and N.
Eastern Avenue

AREA: Approximately 59.21 acres

REQUESTS:

- a) Case No. 14505-P -- to consider rezoning the site from R-80 (Residential 80) to R-7.5 (Residential 7.5)
- b) SD 1492, Preliminary Plat, Providence Point – Phase 1 and Phase 2) -- to consider approval of a Preliminary Plat in District R-7.5 (Residential 7.5) creating 165 single family lots and 4 tracts.

Ms. Diane Binckley, Assistant Secretary entered the staff report into the record and stated that staff was requesting a continuance off docket with one \$130.00 fee.

Chairwoman Macy opened discussion to the public.

No one appeared in opposition to this matter.

Commissioner Archie moved and Commissioner Gutierrez seconded the motion that **Case No. 14505-P and SD 1492** be **CONTINUED OFF DOCKET** with one \$130.00 fee (No Testimony – No Set Quorum).

Motion carried 8-0

VOTING AYE: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt and Macy

VOTING NAY: None

ABSENT: None

Re: **Case No. 254-S-293**

Request: Amending Chapter 88, subsection 88-445-06-D., Signs in Residential Districts, Institutional Uses, to allow churches and public secondary schools on at least 15 acres to install digital signs subject to requirements

There was a request to go into closed session.

Commissioner Archie moved and Commissioner Martin seconded to go into Closed Session pursuant to Section 610.021 (1), RSMO to discuss legal matters and legal advice.

Roll Call: Van Zandt, aye; Martin, aye; Archie, aye; Macy, aye; Krum, aye; Gutierrez, aye; May, aye.

10:43 a.m.

The Commissioners resumed regular session at 11:02 a.m.

Ms. Patty Noll, Staff Planner, presented that the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Commissioner Archie asked about 5(a); it was defined as the message or the image and it would change more than once, every hour; so if the message was a sentence or if it was announcing 3 things then it couldn't announce anything new for another hour.

Ms. Noll stated corrected; and scrolling was not permitted.

Chairwoman Macy stated she had a couple of questions; it seemed like the case contradicted what they had done in the past in commercial districts where they weren't allowing digital signage, but now they were saying they would allow it in a residential district, but they still wouldn't allow in a commercial district.

Ms. Noll stated digital signs were allowed in a more intense district.

Chairwoman Macy stated but a gas station that wanted to advertise their gas with a digital sign, they didn't allow, but they would in residential; in her opinion, it seemed like it was contradicting what they had done in the past as a Commission for that; she wanted to clarify that and understand. The other thing was, the case came before them as a text amendment from Councilman Ford, but it stemmed from the fact that North Kansas City put up 3 signs that were digital, one of them was a pylon sign which they didn't allow, so would that becoming down regardless so was it really two signs.

Ms. Noll stated it was her understanding that they intended to lower the pylon sign to the monument sign requirement so that would be 3 monument signs within the North Kansas City School District.

Chairwoman Macy stated the case came before them because those were installed without a permit or coming before for a special use permit or anything; so they were done inappropriately in the first place.

Commissioner Van Zandt stated that if this should pass, were all the signs currently properly placed that would meet all the requirements.

Ms. Noll stated yes; but they would have to go through the special use process through the Board of Zoning Adjustment.

Commissioner Archie stated there was some discomfort with if they felt like the distance was reasonable at 250 feet; he would go with the 100 feet if they thought the 100 feet was reasonable; if it wasn't he wouldn't want it to be a continued distraction because they did it ahead of time; as they thought about the 100 feet, he didn't want to do it just because of that.

Ms. Noll stated she thought 100 feet would be reasonable; she didn't believe she would have come up with 250 feet because looking at most school sites, the location, most of the buildings weren't set back that far.

Commissioner Martin stated she recalled from last time, grade schools were exempted; they weren't doing that now.

Ms. Noll stated that was correct; it would allow any public and private schools.

Chairwoman Macy opened up the discussion to the public.

Mr. Steve Myers, Executive Director of Operations from Hickman Mills School District; first of all he wanted to apologize for coming to the table late on the conversation, they heard about it and knew it would impact some of their long range plans; so they thought they had better get some information and how it related to their process and how they came up with their 5 year strategic plan. They had a committee of over 45 community people; 16 administration that came up with the 5 year strategic plan. They had 4 main goals; for those goals they had sub committees to discuss those goals; one goal, one of the first year objectives was to put a marque sign at Ruskin High School and that goal came about because of the community people felt they needed more information in a timely manner to be up-to-date with the things that were going on in the District. There were a lot of ways to communicate, but sometimes having that sign allowed people to see it that were out and about in the community.

He didn't know if they were familiar with where their high school sat; it sat at the corner of Blue Ridge Boulevard and Red Bridge. Their site was roughly between 14 and 15 acres. Some of the concerns with the way the ordinance was written was really a LED sign designed to be seen and a way to report to the community; it would cost the District anywhere between \$35,000 and \$55,000. If they were going to be restricted to 6 feet off the ground; on the corner of Red Bridge and 111th; there was a bus shelter that was probably 6 to 8 feet tall; a tornado monument that would be 8 to 9 foot tall; vehicles traveling down Blue Ridge at 35 to 45 miles per hour; a 32 sq. ft. sign probably could work with that a 3 x 10 probably would be a 4 x 8 to meet most criteria; but if they were going to be investing in a sign of that cost, it needed to be effective. The most prohibitive thing on there was the change no more than once every hour; when they were trying to relay information that wasn't scrolled, they were going to have to take it all and put it in a 3 foot section and 100 feet back and vehicles traveling 40 miles per hour on a major boulevard it would be very hard to read it as they passed. He thought in consideration of some of those things a District would be hard pressed to invest in that type of capitol project with those types of restrictions.

Commissioner Archie stated that he was coming in on a back drop of a discussion that started some years ago; and what they were trying to do was clean up signage that was not beneficial to

the City overall. While he saw a value in the urban core, especially for those types of notifications especially when urgent situations come up, at the same time their decisions were going to have to be based looking at the City overall; and he thought a lot of discussion and accommodations had been made by Councilman Ford and his efforts and he appreciated his comments.

Mr. Bruce Geller; they had in their deed restrictions a provision for “no signs” other than a For Sale sign at the appropriate time and they were generally opposed to any signs in residential areas. They didn’t think that digital signs were a primary piece of communication for schools; and they would classify digital signs in residential areas pretty much akin to what was in the Kansas City Nuisance Sign Ordinance; it was a short-lived message that was not appropriate for residential areas. They noted that dropping the 30-acre threshold to 15-acres even though it was going to be an arterial street allowed an additional, allowed 19 schools to have signs vs. the 3 schools that had greater than 30-acres; they didn’t think the Ordinance as it was currently drafted struck the proper balance between all of the deeds; the balance as it was currently drafted fell to the favor of people who wanted signs, not for the residents; they thought a 30-acre limit was okay but the overall of the Ordinance needed to strike a balance in favor of residential districts.

Ms. Tiffany Moore; President of the Armor Hills Association; she appreciated the time that had been spent by a great number of folks on the Ordinance and as it had been pointed out it was in response to something that may not have been fully informed in the initial decision making process and just having just heard new information in similar context, even the planning process that was currently be under taken by various institutions were not informed of the verbiage and language of current City ordinances. She thought that was an interesting point that they should take in a larger context beyond just the sign that perhaps they had a gap in communication or awareness of how ordinances were generated at that level to make them consistent and reflective of all the interested parties; that she thought that was something that needed to be taken forward.

One of the issues that came forward very clearly was that the residential zoning and codes were there in fact to protect the quality, the character, and the separation between commercial and residential. However, they were written to be enforced across vastly different types of residential areas. The visual trespass, the nuisance as Bruce put it, was vastly different in those two areas. To craft ordinances’ language that could protect more easily impacted areas and serve larger areas was very tricky; she thought a very good job had been done to get close to consensus but she believed that they were still not there.

Mr. Terrance Nash; on the Hickman Mills issue they did come to the Southern Coalition a couple of years ago and they were told they weren’t permitted; it was an old pylon sign that was why they had a huge sign out there right now. Also, about 4 or 5 years ago, Rockhurst did the same thing and put a monument digital sign up at Ward Parkway and State Line and they had to take it down because it was against City regulations. Basically, he thought that this was just all bad policy; especially around schools because they already had special rules for schools like having people helping at the crosswalks, lower speed zones and what was this all about -- safety. Those signs were more distracted driving and could be careless of not paying attention to the road; the other part of it was that those digital signs were aggressive because they draw the eye, because something was moving; a monument sign was not an aggressive sign it was a passive sign. They

had many ways to communicate today than they ever had its crazy the idea that a sign is needed to communicate. They needed to go back and have 250 feet if it was good enough in the business areas it should be good enough in the residential areas; he was opposed to it because he lived on Red Bridge Road, there was a church at the corner at 101st; another church across from it, there were 3 of them within corners of each other. The Baptist Church had two monument signs; he urged the Commission not to pass the digital sign.

Ms. Carol Winterowd from Center Planning and Development Council, South Kansas City; the latest revision they hadn't had a chance to look at in terms of how it was configured, but she did want to say, she thought they had to think of not just schools, churches, institutions; they had to think of the visual appearance of Kansas City. They knew they had new technology, but they couldn't let this take over the City; they couldn't be lit up like a Christmas tree and they couldn't please everybody; where did it end, frankly, she thought the current Ordinance on Signage was good; it allowed churches and schools to have their signs, maybe not digital, but they could still get their message up; but for a sign to change once per hour, that was outdoor advertising and as Mr. Nash said before, there were other ways to communicate; so they were not in support of it, but they hadn't had a chance to look at it yet, but from what she could see it would not be in accordance with how they thought Kansas City should be; she didn't know what their recommendation was going to be but she wanted the Commission to think of Kansas City and just of schools and of churches.

Mr. Allan Marcus, Raytown; he had pictures of their digital signs that they had put up inside the Raytown City limits; as far as the Ordinance went it was always good to think long range; and the 30 acres to make it more balanced, he could tell them that the Kansas City City limits affected over 80,000 students and if the limit is to 3 schools, he didn't see the balance. They were certainly not in favor of the 15 acres site requirement; think about an elementary school, how many of them were located on a major artery when those were being built that wasn't necessarily the best place to put an elementary school; their recommendation would be to remove that and again it would be 14.7, but the 100 feet requirement they could satisfy that. The only way they could solve the problem was to go to the Raytown City Council and begin a petition to annex all the Raytown schools that were in Kansas City, Missouri unless they could move forward, find a way to make it work; he could tell them what he had said before, they had a Bond issue in April 2014, they sent out a survey prior to that, 90% of the patrons said they wanted digital signs in their schools; they got 74% approval rate on the Bond issue; he thought they had spoken.

(Unknown audience member) asked if the Ordinance was strictly meeting the criteria for a monument sign?

Chairwoman Macy stated pylon signs were not allowed in the city of Kansas City, Missouri; so it was strictly for monument signs; digital signs were not permitted.

Ms. Noll stated it was just for monument signs, unless it was a wall sign, but they didn't have permission for a digital wall.

Mr. Clemons, Asst. Superintendent of North Kansas City Schools and also a resident; the District had worked really hard for the past year to make sure that all of their 31 sites were attractive and something that drew people into their neighborhood; and the reason they had digital signs was simple; it was important to understand that they had signs that were broke, faded or ugly and they weren't very attractive to the neighborhood. Their students and their Booster Club chose to do something about it and they raised the money to purchase the sign; the sign went right in exactly the same place that they had the other sign; to-date, they hadn't had any neighbors complain or make comment about the sign in a negative manner. There were many community members that didn't have kids in their schools; and they liked to know when the football games were, etc. and it just wasn't for their kids. They did have other means to communicate, but what they really didn't have was the opportunity to reach out to the whole community.

Chairwoman Macy said she had a couple of comments; the reason they were having the discussion was probably because their sign contractor did not go forth and pull a permit; she knew he was a school district and he may not know the sign ordinance and she understood that the general public did not know that, but a sign contractor should know they need to pull a permit. To make a sign digital, they were going to have electricity all of that, a reputable contractor; they would not be there today had they had a reputable contractor that would know they would have to pull a permit. She understood they had gone to considerable expense in purchasing the sign and that was the unfortunate thing was that probably if he had the permit pulled all of the sign would not have gone into play; that was just one comment.

Commissioner Archie stated he didn't know if he agreed 100% that the conversation wouldn't be taken place had they pulled the permit; he thought the conversation was in part the result of who wasn't included in the broader conversation; at some point they started talking about signs in Kansas City a couple of years ago; for some reason, not excepting an invitation or not being invited, schools were not at the table; so there were some who were not a part of the broader conversation about signage and now when it became an applicable reality then it started impacting people then whoever was missing at the table now begin to put their voice in. Some of the thoughts and decisions about signage, some time ago, would it had been an issue because when they were conversing about it they were planning their 5 and 10 year plans. He didn't want to put all of it on those who were coming now, part of it was their responsibility as a community to ensure everybody's voice was at the table who was affected while they were making those decisions and putting ordinances together.

Mr. Kevin Masters; sent an 8-page power point to staff and asked if they had it; their primary concern was, and they liked many of the recommendations made my staff, they had grave concerns that if the philosophy and theory was okay now that other constituents or institutions were at the table now that they were having some considerations for allowing others to utilize this 21st century technology to better communicate with constituents. His concerned mainly was the 30-acres because urban schools would not fit in the criteria; and what he liked about the new proposal was that it dropped the proposal to 15 acres; they didn't have many sites that were on 15 acres but what they did have in the spirit of compromise many of their sites with high schools and middle schools were on continuous properties or maybe separated by a public street.

Mr. Joseph Jackson; his concern was enforcement; he stated there wasn't any way to enforce the ordinance; no penalty. Were their codes personnel right now trained to do it; those were the things that struck a balance between the ordinance and getting it right.

Ms. Tiffany Moore; wanted to add a couple of additional comments; she thought that one of the things she was disappointed in the conversation that had come forward today was the number of new voices and the amount of new input. There were a great number of folks that had been working on it for quite some time; she questioned whether the 98% of voting that would be in favor of signs in more low density neighborhoods; they were given the information to evaluate on how that would involve or impact some of dense neighborhoods. The impact was different in different areas and before they started pitting one group against another; they needed to have this larger conversation about what the impact on the City overall was which she thought was their point very clearly. They had to protect the entire City; the residential code was there to do so and they also had commercial vs. residential and she didn't think they wanted to muddy the waters and make the residential code more commercialized to suit one particular path. It was important that they got it right or don't do it all; She hoped it didn't become a bit of a special interest point because she thought a lot of folks, including staff, had really dived into the details and were looking for a way to make it work for everyone.

Chairwoman Macy stated that obviously it was an issue that the Commission had looked on a variety of sign issues. She would say that she thought really, the ordinance or the text amendment was bad policy and the way that it had come about was not really addressing, as Reverend Archie said, bringing everybody to the table to see what the big issue there was. The text amendment was trying to fix something in which a school district put up 3 signs and then realized they were not appropriate. The text amendment was trying to fix something for the school district. Whereas, she thought a better policy would be one that would look at all the school districts, or all the institutions, and the variety of different areas that was in the city, suburban, urban and even farm so she felt like that the way it was going about it was not the appropriate way to create a text amendment to the Code and she was going to vote "no" on the text amendment.

Commissioner Archie stated he agreed that the process was not good process; the process in the case did not offer conclusive reality to him. Many times, from where he sat, what he heard was, "I don't like it where I am, you don't need it where you are"; "it's not good for me, so you don't get to have it"; he heard that in the urban core where they had neighbors begging them to leave their lights on and policy says turn lights off. Where they see it as a form of safety, other people who made the decision for them, see it as a hindrance; so he saw that happening a lot; and that was why that everybody needed to be at the table when the decisions were made was critical; and in the case, that didn't happen and now what they had was them trying to fix things; he thought motivated by a violation but probably a discussion that should have taken place anyway. He didn't think that the way they were going about it was good policy at all; having said that there was a value that was probably overlooked because every voice wasn't at the table. He would say he would vote to support it even though he was not really, he didn't like the way it had come about, and he was not comfortable with every aspect of, he thought it was a reasonable compromise.

Commissioner May stated she didn't like the way it came about and trying to fix something and was the whole big picture was looked and to come up with something that was going to make things better as opposed to slapping a little tape on something; she couldn't vote for it.

Commissioner Archie moved and Commissioner Martin seconded the motion that **Case No. 254-S-293 be APPROVED.**

DISCUSSION:

Commissioner Krum stated that the good news was that whether they liked it or not they didn't have the final say there; it would go to Council and they would do what they wanted to do. For what it was worth, his position was well-stated, he thought inflicting electronic noise was what he saw it as on people who had not asked for it or interested in it, was bad public policy. He was absolutely opposed allowing additional electronic signage in the City; having said that and given the restrictive nature of the text amendment, he could conceivably support it because Council would do what they wanted to do; but he would preferentially not had this happen at all.

Commissioner Van Zandt stated he would be voting against it and not necessarily on the merits of the issue but on the process that it felt rushed and it felt like they were putting a band aid on it; the reality was they were to legislate by antidote and it was an antidotal response; someone doing something they shouldn't had done in the first place and it required a much broader discussion because he could guarantee that every one of them would be sitting another case about the same issue at some point because they had not solved the issue. He recognized that City Council could and would do as they had done before, whatever they wanted; many of them were not up for re-election because of term limits, so their replacements would be doing it again, but it would not be his supporting it; so he would be voting "no" on this.

Chairwoman Macy stated that as she stated she would be voting "no" on it; and she wasn't as passionate as her fellow Commissioner Krum on the signage with schools; but she felt it wasn't the appropriate way to go about creating a text amendment; she agreed with Commissioner Van Zandt.

Motion failed 2-6

VOTING AYE: Archie, Martin
VOTING NAY: Baker-Hughes, May, Gutierrez, Krum, Van Zandt and Macy
ABSENT: None

Commissioner May moved and Commissioner Van Zandt seconded the motion that Case No. 254-S-293 be **DENIED.**

VOTING AYE: Baker-Hughes, May, Gutierrez, Krum, Van Zandt and Macy
VOTING NAY: Archie, Martin
ABSENT: None

Ms. Patty Noll, Staff Planner, presented that the staff report and stated that staff recommended approval subject to the conditions and reasons presented in the staff report.

Chairwoman Macy opened up the discussion to the public.

No one appeared in opposition to this case.

Commissioner Archie moved and Commissioner May seconded the motion that **Case No. 254-S-296 be APPROVED.**

Motion carried 8-0

VOTING AYE: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt and
Macy

VOTING NAY: None

ABSENT: None

OTHER MATTERS:

Approval of the minutes of August 19, 2014 and September 2, 2014.

Commissioner Archie moved and Commissioner Krum seconded the motion that the minutes for the August 19, 2014 meeting date and the September 2, 2014 meeting date be **APPROVED.**

Motion carried 8-0

VOTING AYE: May, Gutierrez, Krum, Archie, Baker-Hughes, Martin, Van Zandt and
Macy

VOTING NAY: None

ABSENT: None

There being no further business, Chairwoman Macy adjourned the meeting at 12:13 p.m.

Respectfully submitted,

Diane M. Binckley
Assistant Secretary

APPROVED:

Babette Macy, Chairwoman